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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,635	11/20/2001	Tullio Gonzaga	R23-002	8806

7590 06/15/2004

R. Neil Sudol
Coleman Sudol Sapone, P.C.
714 Colorado Avenue
Bridgeport, CT 06605-1601

EXAMINER

TRAIL, ALLYSON NEEL

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/988,635	Applicant(s) GONZAGA, TULLIO	
	Examiner Allyson N Trail	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15, 16, 18, and 19 is/are allowed.
- 6) ☒ Claim(s) 9 and 10 is/are rejected.
- 7) ☒ Claim(s) 11-14, 17 and 20-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/20/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendment

1. Receipt is acknowledged of the Amendment filed March 22, 2004.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

Claims 11, 17, and 20 are objected to because of the following informalities:

Claims 11, 17, and 20 use the spelling "tire" whereas the remainder of the claims use the spelling "tyre". Please make this spelling consistent for clarification.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 9 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Meadows (6,149,060).

Meadows teaches the following in regards to claims 9 and 10:

"A specific pattern is used as a code to provide an identification number and/or part number on a rubber object" (Abstract, lines 1-3). In the full disclosure of Meadow's invention, it is taught that a rubber object includes a tire.

"The method may comprise the additional steps of: (a) storing historical information specific to the rubber object, and (b) updating the history and status of the rubber object, if desired, when the unique spacing and frequency of the sipes are read. The history and status may be transferred to a data base in a computer, and the data base updated when the identifying symbols on the rubber object are read." (Col. 1, lines 55-61).

Figure 3 discloses a code (15) on a tire (10) and a technician (44) reading the code with a sensor (46). (Col. 4, lines 7-8).

Still regarding figure 3: "In the illustrated embodiment, when the sensor 46 is activated and brought into the proximity of the code 15, to within 1/2 to about 6 inches, the sensor converts vibration patterns created by the sensor and reflected off the sidewall of the tire into a binary code which is translated into symbols such as letters and/or numbers, and may be read visually on an appropriate display, or read into memory for further correlation with data." (Col. 4, lines 8-15).

"In the method, the history of the tire is retained in a data base, which is updated at appropriate points in the history of the tire and/or at specific time intervals. When the identification (id) number and/or part number (pn) of the tire is read, the technician can correlate the id/pn with the data base and determine how many times the tire has been retreaded, how many total take-offs and landings the tire has encountered, how many take-offs and landings encountered since the last retread and the amount of time in service. This information, together with visual inspection of the tire, can be used in a comprehensive preventative maintenance program." (Col. 4, lines 16-26).

Allowable Subject Matter

4. Claims 11-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 17 and 20 were objected to above, but would be allowable if the objection is overcome. Claims 21-24 are dependent upon an objected base claim, but would also be allowable if the claim objection is overcome.

The following is an examiner's for allowance: Although Meadows teaches an apparatus for identifying tires including a code detector, a memory storing means, a comparator, a display device, and a memory access device with the decoder operatively connected thereto, Meadows taken alone or in combination thereof do not teach or fairly suggest the tire identification apparatus including a discriminator element operatively connected to the comparator and to the display, at least in part for determining an absence of a code on a tire and inducing communication of such absence via the display. Prior art also fails to specifically teach the tire maintenance machine being

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taken from the group consisting of a tire mounting and dismounting machine or an inflating station, and it does not teach the detector being mounted to the tire maintenance machine. Even still, prior art fails to teach the apparatus comprising Internet access, which is operatively connected to the memory via the decoder. Prior art also fails to specifically teach a discriminator element operatively connected to the comparator and the display device at least in part for determining an absence of a code on a tire and inducing communication of such absence via the display.

5. Claims 15, 16, 18, and 19 are allowable over the prior art of record.

6. The following is an examiner's statement of reasons for allowance:

The best prior art of record is discussed above. Although the prior art teaches many of the claimed limitations, the best prior art of record taken alone or in combination thereof does not teach or fairly suggest the identification apparatus as set forth in claims 15, 16, 18, and 19. The specific feature disclosed in the amended claims, which is not taught by prior art includes a an Internet access device and a decoder operatively connected to the Internet access device and a memory for downloading data and codes for the Internet into the memory.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

7. Applicant's arguments with respect to claim 9 have been considered but are not persuasive. Applicant simply argues the Meadows fails to disclose or suggest a tire identification apparatus including "a memory access device and a decoder operatively connected to the access device and the memory for storing data and codes in the memory." Meadows teaches all of these limitations however. The code on the tire is scanned by the sensor 46 and is read into memory for further correlation with data.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson N. Trail* whose telephone number is (571) 272-2406. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [allyson.trail@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.



Allyson N. Trail
Patent Examiner
Art Unit 2876
June 16, 2004

THIEN M. LE
PRIMARY EXAMINER